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In re Application of	:	
CHRISTENSEN et al.	:	
Application No.: 09/806,563	:	DECISION on
PCT No.: PCT/DE99/03101	:	
Int. Filing Date: 27 September 1999	:	SUBMISSION OF
Priority Date: 30 September 1998	:	
Attorney Docket No.: 112740-201	:	DECLARATION
For: METHOD FOR TESTING SUBSCRIBER LINES	:	

This is a decision on applicants' "Petition to Accept Declaration of Svend Christensen Under 37 CFR 1.497" filed 05 October 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 November 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)&(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, were required. The NOTIFICATION set a two-month extendable period for response.

On 19 April 2004, applicants filed a petition under 37 CFR 1.47(a). On 29 June 2004, a decision dismissing the petition was mailed. On 14 March 2005, applicants forwarded, via facsimile, a copy of a response to the decision originally filed on 29 December 2004 and received in the USPTO on 04 January 2005.

On 29 March 2005, a decision dismissing the petition was mailed. On 05 July 2005, applicant filed a renewed petition under 37 CFR 1.47(a) along with five executed declarations including a declaration executed by the previously nonsigning inventor Svend Christensen. On 02 August 2005, a decision indicated that the petition was moot and advised that the declaration signed by Mr. Christensen was not in compliance with 37 CFR 1.497(a)-(b).

On 05 October 2005, applicants filed the instant "Petition to Accept Declaration of Svend Christensen Under 37 CFR 1.497".

DISCUSSION

On 05 July 2005, applicant presented five declarations; each of the declarations filed was executed by a single inventor. Four of the declarations were composed of four pages which identified all of the inventors and provide the citizenship, residency and mailing address of the inventors. However, the declaration executed by the previously nonsigning inventor Svend Christensen did not contain a page 4.

In the petition filed on 05 October 2005, counsel enclosed "a full copy of the declaration of Svend Christensen, which includes page 4 of the declaration that was *inadvertently omitted* at the time of filing at the USPTO". (Emphasis added.) The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith that Mr. Christensen was presented with the complete four page declaration and that page 4 was inadvertently omitted from the submission of 05 July 2005. If this is incorrect, Petitioner must immediately notify the USPTO. The declaration of Mr. Christensen is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.497 is to accept the declaration of Svend Christensen is GRANTED.

The declaration executed by Svend Christensen is acceptable and is in compliance with 37 CFR 1.497(a)-(b). The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 05 October 2005.



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